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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/288,967	04/09/1999	ANDREW J. KRASLAVSKY	36J.P207	8073

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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

CHANG, JUNGWON

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 09/10/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/288,967

Applicant(s)

KRASLAVSKY, ANDREW J.

Examiner

Jungwon Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-11 and 14-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-11 and 14-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

FINAL ACTION

1. Claims 20-24 are newly added, claims 6, 12, and 13 have been cancelled.
Claims 1-5, 7-11 and 14-24 are presented for examination.
2. The text of those sections of Title 35, U.S. Code not included in this office action can be found in a prior office action.
3. Claims 1-5, 7-11 and 14-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over HP JetSend Communications Technology, Section I: Architectural Overview, Hewlett-Packard Company, 1997 (hereinafter HP).
4. HP was cited by applicants in IDS (paper #2).
5. As to claims 1, 14 and 19, HP discloses the invention substantially as claimed, including a method for negotiating an exchange of image processing functionality between first and second devices over a bi-directional communication link (page 1, lines 3-11), comprising the steps of:
 - communicating a function description between the first and second devices, the function description including information concerning functionality available in the first or second devices (Figure 2-4; page 13; page 5, lines 4-15);
 - negotiating an assignment of image processing functionality between the first

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and second devices, with the overall image processing functionality effecting an image transfer between the first and second devices (page 3, lines 20-26; page 5, lines 4-11; page 21, lines 24-30); and

transferring device code that implements images processing functionality between the first and second devices in a case where the negotiated assignment indicates that functionality in one of the first and second devices is needed by the other of the first and second devices, wherein device code is executed by the other of the devices (page 2, lines 29-35).

6. HP does not specifically use a word program code. However, HP discloses that JetSend Protocols includes Device Code (Figure 2-3; page 11, line 33 to page 12, line 21), JetSend Protocol JetSend Interaction Protocol (page 11, lines 17-23), Jetsend Session Protocol (page 11, lines 24-28; page 14), Message Transport Protocol (page 11, lines 29-32), JetSend Interaction Policies (page 11, lines 7-15) for exchanging information, transferring function descriptions, and negotiating a particular class of data between two devices (page 11, lines 17-23; page 11, lines 1-6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have named the device code as program code because it allows two devices to choose their preferred format from the ones offered.

7. As to claims 11 and 18, HP discloses the invention substantially as claimed in claims 1, 14 and 19. HP does not specifically disclose a network interface card.

However, HP discloses that two devices establish a direct, logical connection through a LAN, the Internet, a phone line, direct cable connection (page, 1, lines 18-22); and transports includes TCP/IP, SPX/IPX, IrDA, IEEE 1284, IEEE 1394 (Figure 2-3; page 10, lines 14-18). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include NIC because it would provide a communication link to support a local or wide area network by coupling to Ethernet, token ring, or other types of physical attachment.

8. As to claims 2, 5 and 7, HP discloses transferring image data from the first device to the second device (page 1, lines 23-29); obtaining function code descriptions for functionality (page 5, lines 4-15).

9. As to claims 3 and 4, HP discloses determining alternative processing sequences for image data transfer (page 12, lines 22-26); applying a cost function to each alternative (page 6, lines 27-42); and selecting the alternative with the lowest cost function (page 7, lines 1-9; page 9, lines 1-3).

10. As to claim 8, it is rejected for the same reasons set forth in the rejection of claims 11 and 18.

11. As to claims 9 and 10, HP does not specifically disclose a storage medium for storing computer executable processing. However, HP discloses the system has

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protocol stacks: JetSend Interaction Protocol (page 11, lines 17-23), Jetsend Session Protocol (page 11, lines 24-28; page 14), Message Transport Protocol (page 11, lines 29-32), JetSend Interaction Policies (page 11, lines 7-15) for storing computer executable processing (Figure 2-3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to storage medium because doing so would provide for fast access to the data stored, thereby saving access time.

12. As to claims 15-17, HP discloses transferring image data from the first device to the second device (page 1, lines 23-29); obtaining function code descriptions for functionality (page 5, lines 4-15).

13. As to claims 20-24, they are rejected for the same reasons set forth in claims 3 and 4 above.

14. Applicant's arguments filed 6/26/03 have been fully considered but they are not persuasive.

15. In the remarks, applicants argued in substance that

(1) Office action indicates that HP discloses transferring device code that implements image processing functionality between the first and second device, however, the cites page 2, lines 29 to 35 does not support thereof because page 2 does not have lines 29 to 35.

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(2) HP is not seen to in any way describe transferring device code, and is certainly not seen to disclose transferring program code that implements image processing functionality. Rather, HP is seen to describe that each device uses its own code for implementing its own functionality, and there is no transfer between devices of image processing functionality in the form of program code.

16. Examiner respectfully traverses applicant's remark.

As to points (1) and (2), examiner mistakenly cites wrong page number. It should be changed to page 1, section "Exchange Optimization" and section 1.2 for transferring device information (i.e., may include code) that implements image processing functionality between the first and second device. The exchange information between two devices would allow including functionality to export from one device to another device (HP reference, page 1, section "Exchange Optimization). HP further discloses Jetsend Protocol allow two devices to communicate and exchange meaningful information, this allows two devices, existing and future, to add value to each other because they will be able to exchange information (page 1, section 1.2, "Inter-operability – every device adds value to every other device).

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is (703)305-9669. The examiner can normally be reached on 9:00-5:30 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703)308-9052. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Jungwon Chang
September 5, 2003

A handwritten signature in black ink, appearing to read "N. El Hadj", with a long, sweeping vertical stroke extending downwards from the end of the signature.